CF 102 (4)
~~CF 150~~

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION (S) NO. 964 /2007.

PETITIONER

Laini Bai aged about 60 year widow of late Laluwa caste Gada Kotwar resident of village Baheradih District Janjgir - Champa (C.G.)

P.R.M. 12/12/07 Presented by Shri V.K. Sharma 12.12.07

VERSUS

RESPONDENTS

1. State of Chhattisgarh Through: Collector Janjgir-Champa
2. Sarpanch Gram Panchayat Baheradih Tahsil Sakti Distt. Janjgir-Champa (C.G.).

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WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, ORDER OR DIRECTION Etc.

(१२)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (s) No. 964 of 2007

Petitioner : Laini Bai

Versus

Respondents : State of Chhattisgarh and another

SB : Hon'ble Shri Satish K. Agnihotri, J.

Present: Mr. Ram Kumar Tiwari, counsel for the petitioner.
Ms. Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 20th day of February, 2007)

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 29ih November, 2006 (P/1), passed by the Board of Revenue, Chhattisgarh, Bilaspur in Revision No. R-83/A-56/2003-2004.

2. The indisputable facts, in short, are that the petitioner was working as Kotwar at village Baheradih. Thereafter, the petitioner got remarried and shifted her residence from Baheradih to Kalmidih. Thus, the petitioner was removed from the post of Kotwar by the resolution dated 19.4.1997, passed by the village panchayat. The Naib-Tahsildar, Jaijepur in Revenue Case No. 06/A-56/1996-97 after having examined the oral evidences adduced by the petitioner and after having provided opportunity to cross-examine to both the parties as well as having perused the documents, passed the order dated 23.3.1998 under The Kotwari Rules read with Section 230 of The M.P. Land Revenue Code, removing the petitioner from the post of Kotwar, Gram Baheradih.

(20)

3. Being aggrieved, the petitioner filed an appeal before the Sub-Divisional Officer (Revenue), Sakti in Appeal No. 76/A-56/1997-98. The Sub-Divisional Officer dismissed the appeal, confirming the findings recorded by the Naib-Tahsildar and upholding the order passed by him. The Second Appeal, being Case No. 185/A-56/1998/99, was preferred before the Additional Commissioner, Bilaspur, which was also rejected vide order dated 24.8.2002.

4. Thereafter, the petitioner filed a revision before the Board of Revenue, Bilaspur. The Board of Revenue after having considered all the material available on record came to the conclusion that the concurrent findings recorded by the Courts below were in accordance with law and there is no infirmity in appreciation of facts and in application of law also.

5. The High Court in exercise of its jurisdiction under Article 227 of the Constitution of India has limited scope of supervision of the subordinate courts within the bounds of its jurisdiction. The High Court cannot sit as an appellate court under Article 227 of the Constitution of India. This is not to correct mere error of facts or of law unless the following requirements are satisfied : (i) the error is manifest and apparent on the face of the proceedings such as when it is based on clear ignorance or utter disregard of the provisions of law, and (ii) a grave injustice or gross failure of justice has occasioned thereby. (See **Surya Dev Rai vs. Ram Chander Rai and others** (2003) 6 SCC 675). Nothing as stated hereinabove to revoke supervisory jurisdiction of this Court is available in this case.

5. As a result, this petition is dismissed. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge